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1 THE COURTROOM DEPUTY: Please remain seated and
2 come to order.

3 This is Criminal Action 3:19-cr-144-1, United
4 States of America versus Preston Andrew Watson.

5 Is the government present and ready to proceed?

6 MS. KOLMAN: It is, Your Honor.

7 THE COURTROOM DEPUTY: Is the defendant present
8 and ready to proceed?

9 MR. SHARP: Yes, Your Honor. Good afternoon.

01:54PM 10 THE COURT: Good afternoon.

11 Will the courtroom deputy please swear the
12 defendant.

13 THE COURTROOM DEPUTY: Yes, Your Honor.

14 (The defendant was thereupon duly sworn.)

15 THE COURTROOM DEPUTY: Please be seated.

16 THE COURT: In advance of today's hearing, the
17 Court has received and reviewed a number of documents;
18 the Indictment, Plea Agreement, the Report and
19 Recommendation related to Mr. Watson's guilty plea, and
01:54PM 20 the order adopting the Report and Recommendation, the
21 Agreed Preliminary Order of Forfeiture, and the Notice
22 of Forfeiture, the Presentence Report and Addendum to
23 the Presentence Report, and a second addendum to the
24 Presentence Report, which references a victim impact
25 statement that was made available to the parties and to

1 the Court, a Notice of Objection to the Presentence
2 Report from Mr. Watson, a Notice of No Objections to the
3 Presentence Report from the United States, and a
4 response to Mr. Watson's PSR objections made by the
5 United States.

6 The Court has also considered the United
7 States' sentencing memorandum, the defendant's
8 sentencing memorandum and motion for downward variance
9 and exhibits to that sentencing memoranda from friends
01:55PM 10 and family of Mr. Watson expressing their support.

11 The Court has also received and reviewed a
12 notice of witness testifying at the sentencing hearing
13 from the United States and an addendum to the United
14 States' sentencing memorandum.

15 Does either party have additional material to
16 offer that the Court has not already listed?

17 Ms. Kolman?

18 MS. KOLMAN: The only thing, Your Honor, which
19 I think has been filed, is the stipulation with regards
01:56PM 20 to restitution for the BluePillow series for the \$3,000.

21 THE COURT: Thank you, Ms. Kolman. The Court
22 has received that stipulation. I don't believe it's
23 been filed on the docket yet, but the Court has received
24 the hard copy.

25 Mr. Sharp, anything further?

1 MR. SHARP: Nothing further, Your Honor.

2 THE COURT: Mr. Sharp, have you and Mr. Watson
3 read the Presentence Report documents, including the
4 Presentence Report and addenda?

5 MR. SHARP: We have, Your Honor.

6 THE COURT: Have you had the opportunity to
7 discuss the same in full with Mr. Watson?

8 MR. SHARP: I have, Your Honor.

9 THE COURT: Sir, you are Preston Andrew Watson;
01:56PM 10 is that correct?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: You are represented here by
13 Mr. Sharp; is that correct?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Mr. Watson, you were charged in a
16 seven-count indictment. Count One charges you with
17 production of child pornography in violation of 18
18 United States Code §§ 2251(a) and 2251(e).

19 Further, Count Three charges you with
01:57PM 20 distribution of child pornography in violation of 18
21 United States Code § 2252A(a)(2).

22 On July 13th of 2020, you pled guilty to Counts
23 One and Three of that indictment.

24 Do you understand that Count One carries a
25 maximum term of imprisonment of 15 years -- I'm sorry --

1 a minimum term of imprisonment of 15 years and a maximum
2 term of imprisonment of 30 years, a term of supervised
3 release of at least five years up to life, and a fine of
4 \$250,000, along with a \$100 special assessment?

5 THE DEFENDANT: I do understand, Your Honor.

6 THE COURT: Do you understand that Count Three
7 carries a minimum term of five years' imprisonment and a
8 maximum term of 20 years, a term of supervised release
9 of at least three years up to life, a fine of up to
01:57PM 10 \$250,000, and a \$100 special assessment?

11 THE DEFENDANT: I do, Your Honor.

12 THE COURT: Mr. Watson, have you received and
13 had the opportunity to read and discuss the Presentence
14 Report and addendum with Mr. Sharp?

15 THE DEFENDANT: Yes, I have.

16 THE COURT: Do you understand the Presentence
17 Report and related sentencing documents in this case?

18 THE DEFENDANT: I do.

19 THE COURT: Has Mr. Sharp answered any
01:58PM 20 questions that you may have regarding those documents
21 and your sentencing hearing here today?

22 THE DEFENDANT: Yes, he has.

23 THE COURT: I'd like to talk with the parties
24 briefly about the procedure for today's hearing. First,
25 the Court will hear the parties on any remaining

1 objections to the Presentence Report.

2 Second, the Court will calculate the advisory
3 guidelines range that is applicable to Mr. Watson.

4 Third, the Court will decide whether to accept
5 the provisions of the plea agreement that the parties
6 have entered in this case.

7 Fourth, the Court will hear the parties on the
8 motions for a departure under the sentencing guidelines
9 themselves.

01:58PM 10 Fifth, the Court will hear arguments on
11 application of the § 3553(a) factors, any requests for a
12 variance, and any other sentencing recommendations.

13 And, finally, the Court will hear any final
14 statements, including hearing from the defendant, if he
15 would like, and then pronounce the sentence.

16 Ms. Kolman, have you received the Presentence
17 Report and addenda in this case?

18 MS. KOLMAN: I have, Your Honor.

19 THE COURT: Does the government have any
01:59PM 20 objections to the Presentence Report?

21 MS. KOLMAN: I do not, Your Honor.

22 THE COURT: Mr. Sharp, the defendant has filed
23 objections to the Presentence Report. Would he like to
24 address those objections now?

25 MR. SHARP: Yes, Your Honor. And I apologize

1 for the late notice to the Court and to the parties. We
2 would be moving to withdraw those objections at this
3 point. This case has been a bit unusual in the scoring
4 of the guidelines; however, after further review and
5 investigation, we feel it's appropriate to withdraw
6 those objections.

7 THE COURT: Thank you, Mr. Sharp.

8 Ms. Kolman, in the government's response to
9 defendant's objections to the Presentence Report, the
02:00PM 10 government states that it anticipates moving during the
11 sentencing hearing for the third-level reduction for
12 acceptance of responsibility pursuant to Guideline
13 §3E1.1(b). Would the government like to do so now?

14 MS. KOLMAN: Yes, Your Honor, we would ask that
15 that be applied.

16 THE COURT: Okay. Mr. Sharp, I presume that
17 Mr. Watson has no objection to that motion.

18 MR. SHARP: No objection, Your Honor.

19 THE COURT: Okay. The Court grants the motion
02:00PM 20 and also notes that the recommended Presentence Report
21 calculation as revised anticipated that Mr. Watson would
22 be given the full three-point credit. The Court adopts
23 the revised Presentence Report as its own findings in
24 this matter.

25 Given these findings and calculations, the

1 Court calculates the following advisory guidelines
2 range: Mr. Watson's total offense level is 43. His
3 criminal history category is II. This results in a
4 guideline imprisonment range of life, which the United
5 States Sentencing Commission has defined as 470 months,
6 a supervised release range of five years to life for
7 Count One and five years to life for Count Three, a fine
8 range of \$50,000 to \$250,000, and a special assessment
9 of \$200.

02:01PM 10 Are there any objections for the record?

11 Ms. Kolman?

12 MS. KOLMAN: No, Your Honor.

13 THE COURT: Mr. Sharp?

14 MR. SHARP: No, Your Honor.

15 THE COURT: The parties have entered a plea
16 agreement in this case. Pursuant to the plea agreement,
17 does the United States wish to move the Court to dismiss
18 the remaining counts against Mr. Watson in the
19 indictment? By my count, that is Counts Two, Four,
02:01PM 20 Five, Six, and Seven.

21 MS. KOLMAN: That is correct, Your Honor.

22 THE COURT: Okay. Ms. Kolman, does the
23 government so move?

24 MS. KOLMAN: Yes, please.

25 THE COURT: Do the parties have any objection

1 to the Court accepting the provisions of the plea
2 agreement in full?

3 Mr. Sharp?

4 MR. SHARP: No objection, Your Honor.

5 THE COURT: Ms. Kolman, I presume no objection.

6 MS. KOLMAN: That's correct, Your Honor.

7 THE COURT: Okay. The Court accepts the
8 provisions of the plea agreement and dismisses the
9 remaining counts of the indictment as to Mr. Watson.

02:02PM 10 Those are Counts Two, Four, Five, Six, and Seven.

11 Now that it has properly calculated the
12 advisory guidelines range, the Court will consider any
13 departures under the guidelines.

14 Ms. Kolman, does the government wish to make a
15 motion for a departure under the guidelines?

16 MS. KOLMAN: No, Your Honor.

17 THE COURT: Mr. Sharp?

18 MR. SHARP: No departure motion, Your Honor.

19 THE COURT: Having properly calculated the
02:02PM 20 advisory guidelines range and considering any motions
21 for departure, the Court must consider the factors set
22 forth in 18 United States Code § 3553(a) to ensure that
23 the Court imposes a sentence that is sufficient, but not
24 greater than necessary, to comply with the purposes of
25 sentencing.

1 In addition to the guidelines and policy
2 statements, the Court must consider the nature and
3 circumstances of the offense, the history and
4 characteristics of Mr. Watson, the need for the sentence
5 imposed to reflect the seriousness of the offense, to
6 promote respect for the law, and to provide just
7 punishment for the offense, to afford adequate
8 deterrence to criminal conduct, to protect the public
9 from further crimes of the defendant, and to provide
02:03PM 10 Mr. Watson with needed educational or vocational
11 training, medical care, or other correctional treatment.

12 The Court also considers the kinds of sentences
13 available, the need to avoid unwarranted sentencing
14 disparities among similarly-situated defendants, and the
15 need to provide restitution to any victims of the
16 offenses.

17 Does either party wish to make an argument
18 about the application of the factors set forth in
19 3553(a), request a variance, or otherwise make a
02:03PM 20 sentencing recommendation?

21 Mr. Sharp, the Court has read your motion for a
22 variance and would like for you to start first.

23 MR. SHARP: Thank you, Your Honor.

24 Your Honor, may I remove my mask?

25 THE COURT: Yes, please. As we're bringing

1 folks back into the courtroom post the CDC's most
2 updated guidance, if a party can safely remove his or
3 her mask, you may do so. Mr. Sharp, you may also make
4 presentation from the podium if that's most efficient.

5 MR. SHARP: Thank you, Your Honor.

6 Your Honor, I will attempt to not be too
7 repetitive of the filed sentencing memorandum and motion
8 for variance that I filed. There are a few things,
9 though, that I would like to highlight in regard to
02:04PM 10 Mr. Watson and the representation I've had of him for
11 quite some time now. He has been here in local custody
12 for a while, a lot of that due to the pandemic. This
13 case would have been resolved sooner.

14 I think it's -- you really can't underscore the
15 level and extent of Mr. Watson's mental health concerns
16 in this case, and the conduct in and of itself -- and I
17 don't want anything to be misconstrued. The conduct --
18 he recognizes how bad the conduct is, and the regret
19 that he has and the remorse that he has for the pain
02:05PM 20 he's caused these individuals is sincere, and nothing
21 that I argue here today is in the way of an excuse but
22 more in the way of reasons. And I recognize that's a
23 fine line, Your Honor.

24 But when you look at the history of Mr. Watson,
25 from a very young age, while he was at Bible school, he

1 was sexually abused at five years old, and that
2 certainly put him in a situation where he was a sexual
3 abuse victim and in the situation where someone of that
4 age, not being able to understand or to filter what is
5 going on, what's happening to him, and the addition of a
6 place where he thought he was safe and was told, "Don't
7 tell anyone that" -- "You can't tell anyone about this."

8 So from a very young age, he has these very
9 conflicting messages and understandings of safety, of
02:06PM 10 sexuality, things that a five-year-old should not have
11 to deal with.

12 And he lives with this secret well into his
13 teens until he finally discloses it to family members
14 well after the fact that anything could be done, as far
15 as prosecution of the individual. But it was something
16 that he had lived with and he had focused all his
17 attentions in being perfect from that time forward.

18 And I think I put that in the memo, but when
19 you speak to his family in particular, he always wanted
02:06PM 20 to be the best student, the best athlete, the best son,
21 the best brother, and knowing that he fell short on some
22 of that. So a lot of these issues that he has dealt
23 with come from a place of -- a certain level of
24 insecurities that he had grown with, and even though he
25 has had these successes, he still had this underlying

1 insecurity.

2 When he was in treatment, when he started to
3 get counseling, when he started to understand the
4 situation that he was in and started to understand and
5 realize the level of mental illness that he was
6 suffering from and he started getting diagnosed with
7 bipolar disease and -- I think it was attention deficit
8 disorder, and he had obsessive-compulsive tendencies as
9 well, when he was treated, when he had healthcare, he
02:07PM 10 was going to therapy and he was being medicated, during
11 those periods of time is when he saw the best ability.
12 And certainly any type of medication for mental health
13 is a moving target, but he at least had periods of
14 stability while he was being treated.

15 So a couple of things happened after he was
16 kind of in this treatment regime. One, the biggest
17 being his father passed away in 2012, and from everybody
18 that I've interviewed in his family, they said that that
19 was a marked difference for Mr. Watson, being his father
02:08PM 20 was the one person that was his rock; that was the
21 person that he always went to, and he became very
22 withdrawn during that period of time after his father
23 passed.

24 The second thing, and probably just as
25 important, is: He lost his health insurance benefits.

1 So he falls completely out of treatment. He falls
2 completely out of medication, to a point where he
3 actually is homeless for a period of time. And during
4 this period of time, he's living in his car. And even
5 his family isn't aware of some of this at this point.
6 But they find out. He moves back in with his mother and
7 suffers these high and low swings that you see very
8 often in bipolar individuals.

9 It was during these times when he would get
02:08PM 10 very low that -- in conversations with his mother, he
11 would go into his room and he would stay in his room for
12 weeks and not come out, not even to use the restroom.
13 She would take the food to him and he would stay in his
14 room for weeks on end. And it was during these times
15 that the only thing he had was himself and his computer,
16 and those were the times where he would reach out to
17 these individuals and participate in these horrific acts
18 that's brought him here before the Court.

19 THE COURT: Mr. Sharp --

02:09PM 20 MR. SHARP: He understands that none of these
21 individuals --

22 THE COURT: Mr. Sharp, may I ask you just a
23 quick question with respect to timing there?

24 MR. SHARP: Yes, please.

25 THE COURT: When did these week periods of time

1 by himself begin?

2 MR. SHARP: They would have started shortly
3 after he -- and I know the government has referenced the
4 charge that he had in state court. It would have been
5 shortly after that period of time. He was no longer
6 employed at the cellphone store, and it was during the
7 period of time that he had no medical benefits.

8 And once the family learned that there were
9 nights he was staying in his car, that's when he went
02:09PM 10 and moved back in with his mother. So it would have
11 been probably around 2016, '17. I apologize, Your
12 Honor. I don't have the exact timeline. It would have
13 been right in that ballpark. So it would have been
14 after the state charges, though.

15 So, when you talk to Preston about these
16 charges -- and he fully understands that none of these
17 girls deserved any of this. They didn't ask for it.
18 He, you know, reached out to them. They started these
19 conversations and, you know, relationships. Even in
02:10PM 20 Preston's state, he thought that they were some type of
21 actual relationship. But he also understands how
22 manipulating and improper that they were and that none
23 of them deserve that.

24 And his sincere hope is that they can deal with
25 the trauma of having to go through this. And he also

1 understands that being -- there are huge trust issues,
2 obviously, but, for whatever it's worth, he has assured
3 me that none of these images were ever shared at any
4 point with anyone; that he understands he made these
5 horrible threats that that is exactly what was going to
6 happen, but that at no time were any of these images
7 shared. He also understands that they may not believe
8 that and respects why they would not, but it was
9 important that that be mentioned that none of them were
10 shared.

02:11PM

11 But when you consider the -- just the level
12 of -- kind of -- I don't want to say darkness, but he
13 would get into these obsessive-compulsive periods of
14 time where he was also in these depressive periods of
15 time, and it just kind of created a perfect storm in
16 regard to the way that he reacted to them. And he would
17 become obsessed with getting a response from people, and
18 when he wouldn't get the response that he wanted or
19 needed, then he would become more and more aggressive
20 with his messaging. And he recognizes how disruptive
21 that could be to somebody, particularly a teenage girl.

02:11PM

22 So he's not naive to the fact of the damage
23 that he's done at this point, and he wasn't in a place
24 where he would have done that typically under periods of
25 time where he is in treatment and he is medicated.

1 These were during periods where he was not.

2 So, that is, again, Your Honor, in the way of
3 reasons, not excuses. And I hope that it's coming
4 across that way. I don't intend to try to come up here
5 and put out all these excuses for why this occurred.

6 So when -- that's the part of the perfect storm
7 for him with where he was mentally, where he was with
8 his treatment or not with his treatment, more
9 importantly.

02:12PM 10 And then there is another aspect, a legal
11 aspect, from looking at the advisory guideline range of
12 kind of a perfect storm of scoring in the advisory
13 guideline range.

14 And I want to take a moment to thank AUSA
15 Kolman for her supplement sentencing memorandum.
16 Everybody entered into this plea agreement in good
17 faith. I have no doubt about that. We thought we had
18 the numbers. We consulted with probation before we
19 entered into the plea agreement, and I believe probation
02:13PM 20 actually had to go to D.C. to score this one.

21 So in the 20 years that I've done this and the
22 last ten strictly in federal, I've never missed a
23 sentencing guideline the way that I missed this
24 sentencing guideline.

25 In reviewing that information, as noted in the

1 supplement, the report had not come back. So we didn't
2 have those images. We didn't have those things that we
3 could have factored into the guideline range on the
4 front end, and everybody thought when we entered into
5 this that we were in that 15- to 20-year range, which
6 would be very typical for this type of case.

7 And I'll get into that in just a second as
8 well, Your Honor, but it really was kind of the perfect
9 storm of scoring that took a case where we all thought
02:13PM 10 we were at 15 to 20 and put it into life, which, as the
11 Court is aware, is an equivalent of 470 months.

12 I would offer to the Court that that type of
13 sentence in this type of case would lead to a sentence
14 disparity; particularly in this district, but I would
15 argue generally as well.

16 Just as a point, I had a case along with
17 Ms. Kolman and this same investigative unit, ICAC, with
18 almost an identical fact scenario. An individual was
19 friending teenagers, teenage girls. He was requesting
02:14PM 20 photos. They were sending photos. Same similar
21 charges. That individual was sentenced to 20 years and
22 two months, and --

23 THE COURT: Mr. Sharp, in that case, was there
24 this expanded relevant conduct that we have in this
25 case?

1 MR. SHARP: That's what changes this one,
2 right.

3 So the thing that I would say about the
4 relevant conduct -- and it's obviously bad; right? Any
5 time that you're collecting this type of child
6 pornography and they come in these huge download
7 files -- and the numbers are really -- unfortunately the
8 numbers are not unusual for what we see, you know, and
9 that speaks to a whole different issue that I won't get
02:15PM 10 into, Your Honor, but it's not uncommon to see similar
11 fact scenarios with child pornography numbers in this
12 court.

13 I would point to the fact, though, that even
14 the PSR, it notes that those had not been accessed, I
15 think, since 2016. Even though they were on that hard
16 drive, that specific hard drive itself had not been
17 accessed. So while it's relevant conduct, and I don't
18 disagree that it's relevant conduct under the
19 guidelines, there was a time period where it had not
02:15PM 20 been accessed. And it wasn't being accessed during this
21 period of time that he was reaching out to these other
22 individuals online. So I would ask the Court to take
23 that into consideration as well.

24 But at no point when we entered into the plea
25 agreement on this matter did anybody think that we were

1 looking at these types of numbers. And I don't believe
2 that this is a number that adequately reflects what
3 would be appropriate under 3553 as far as a sentence
4 that is reasonable, but not greater than necessary,
5 under the facts.

6 As horrible as these offenses are, and they
7 are -- I don't pretend that they're not -- they are
8 hands-off offenses. There was never an attempt to meet
9 them. There was never a situation where he traveled or
02:16PM 10 attempted to travel. He never tried to get anybody to
11 travel to him.

12 I don't try to diminish the potential harm to
13 the victim. That's not what I'm doing. But when we see
14 cases, and particularly on the state level, when there
15 is hands-on offenses, we don't see these types of
16 numbers in state court. So that's only the point that
17 I'm making in regard to it being a hands-off offense,
18 not to minimize the harm to the victim, Your Honor.

19 So those would be my biggest concerns about
02:16PM 20 where this number is and where we would typically see a
21 number in this type of case when it is in regard to
22 sentencing disparities under 3553, and I would ask the
23 Court to take that into consideration.

24 And I would ask the Court to consider giving
25 him a variance more in line with the parties' intentions

1 when we entered into this plea agreement in the ballpark
2 of the 15- to 20-year range.

3 And I would say -- I know I become numb doing
4 this. As far as these numbers go, they are significant
5 numbers. 15 years is a significant amount of time. The
6 law itself makes sure that there is going to be a
7 significant punishment no matter what occurs.

8 I would just ask the Court to give Mr. Watson
9 a -- as much of a variance as the Court can take in good
02:17PM 10 conscience based on his conduct, where he was at the
11 time, with the understanding that he does understand
12 that mental health is going to be a part of his future.
13 And he would ask for that while he's in the BOP. He
14 would ask for that as part of his supervised release
15 conditions as well.

16 And the fact that he does have sincere remorse
17 for his conduct, Your Honor -- I know he's going to
18 address that during his allocution, but he understands
19 that what happened was unacceptable and is a situation
02:18PM 20 where he is dedicated to not be back in a situation like
21 this again.

22 Thank you, Your Honor.

23 THE COURT: Thank you, Mr. Sharp.

24 Ms. Kolman, I know that you've provided notice
25 of the intent to use a witness. You may do so if you

1 would like, or I'm happy to hear from you in response,
2 and then you could make that determination.

3 MS. KOLMAN: All right. Your Honor, I think
4 because this case is unusual and it keeps going so, I
5 was prepared to put my agent up. But I think because
6 there is no disagreement to the PSR and we are looking
7 at a life sentence, what I will do is present to you
8 under the 3553 factors with regard to nature,
9 circumstances and seriousness of this case, and I'll
02:19PM 10 just do it myself; unless defense objects, and then at
11 that point I can put my agent up.

12 I would just like to start by saying that I do
13 agree with the defense with regards to the guidelines,
14 which is why we did the addendum. However, I will say
15 to the Court that in doing this for many years, we do
16 know that there are people that specifically do that for
17 a living with the sentencing guidelines. And it was
18 also clear to all of us that statutorily, he could be
19 looking at 50 years if the two cases were to run
02:19PM 20 maximums on top of one another consecutively.

21 As far as looking at the other cases that have
22 come into this Court that we all have worked on,
23 specifically myself and the defense, there are
24 different -- there are different circumstances, and I
25 think they're very important for this Court to

1 understand, and that's what I'm planning on presenting
2 today because the government does feel that this case
3 was outside of the heartland of a lot of the cases that
4 we see.

5 And the first thing that I want to talk about
6 is the fact that with the other cases that Mr. Sharp
7 spoke to you about, with those cases, you had one or two
8 victims. In this case, Your Honor, as the Court knows,
9 that what the PSR indicated to you is that we had four
02:20PM 10 known victims.

11 Now, these kind of cases, these sextortion
12 cases, the issue is that while we have known victims,
13 we're lucky we got those because those victims, as you
14 saw from the PSR, they came forward. They actually came
15 forward to and knew about NCMEC to make a report.

16 What I'm going to show you right now, Your
17 Honor, is -- if I could pull up my Government's
18 Exhibit 3.

19 (Government's Exhibit 3 was marked for
02:20PM 20 identification.)

21 MS. KOLMAN: When we started -- when the ICAC
22 unit started looking after the search warrant and
23 looking into the computers, what they found -- this is
24 just one page that I'm going to go down through.

25 If we could go to the next page, 3-A.

1 (Government's Exhibit 3-A was marked for
2 identification.)

3 MS. KOLMAN: This is a folder structure that
4 continues downward, Your Honor.

5 And if we could go to the next page.

6 And this was -- we had just taken three pages.

7 I'm going to tell you, there were a lot more. And what
8 you will see, Your Honor, is: If you can look at each
9 of those, we went into each one of those. Those are

02:21PM 10 each different victims. And what the numbers
11 symbolize -- say with Ginger Bitch -- and excuse my
12 language. I'll just say that now. What you see there
13 is 46. Those are 46 images of that girl.

14 Now, what the -- what my officer/agent would
15 have told you is that on these, because they are not
16 known victims -- and by that, what we mean is: We don't
17 know what their names are; we don't necessarily know
18 where they live; nor do we know how old they are. And
19 so when you put these things together as an ICAC
02:22PM 20 investigator, you have what's called -- they have a way
21 that they do the counting to make that determination,
22 and a lot of times, yes, it is a guess. And they are
23 very conservative about that. If there is any question,
24 they do not consider it.

25 So, I will tell you that in this situation,

1 there are a few like that. However --

2 THE COURT: Ms. Kolman, may I ask just a
3 foundational question?

4 MS. KOLMAN: Sure.

5 THE COURT: This is from Mr. Watson's laptop --

6 MS. KOLMAN: This is from -- yes, one of his --

7 THE COURT: -- not the hard drive?

8 MS. KOLMAN: I'm sorry. This is from the
9 desktop.

02:22PM 10 THE COURT: Desktop.

11 MS. KOLMAN: Yes, that was found when we did
12 the search warrant.

13 And I'm going to go ahead and just tender this
14 Government's Exhibit 3.

15 THE COURT: Please.

16 MS. KOLMAN: So what you see here are -- these
17 are, of course -- I'm not going to call them all victims
18 because we're not for sure because we have not been able
19 to identify them. And what you -- what we do know is:

02:23PM 20 So, for instance, when the PSR was made by Mr. Queener,
21 he went over to the ICAC unit, and at that point, some
22 of the computer items had been seized. Not all of them
23 had been forensically looked at with numbers.

24 So what -- the numbers that came up that we had
25 were numbers just from a few of the items, not all of

1 them. So, in other words, again, that was a very
2 conservative estimate which put us at the above 600,
3 which is the most that you can get anyway.

4 None of these, by the way, were counted
5 (indicating). Now, what is important about these --

6 And if we could -- if we could go back to 3, if
7 we could.

8 You will see where the red line is. That was
9 generically pulled. And we pulled a picture out of Red
02:24PM 10 Bull Fat Girl.

11 Okay. And why it's relevant -- and I'm going
12 to show you a couple of other photos that have been
13 sanitized.

14 But if we could go to Exhibit 13.

15 (Government's Exhibit 13 was marked for
16 identification.)

17 MS. KOLMAN: And this, Your Honor, is, also, I
18 believe, in paragraph 25 of the PSR, which has been
19 admitted with no objection.

02:24PM 20 You will see there, this is one of our known
21 victims. She had taken a screen shot from her texting
22 with the defendant. And you will see down at the bottom
23 where he is threatening her. And what I'm going to be
24 showing you is that that's a pattern. He threatens them
25 and tells them exactly what he wants.

1 And so what we saw when we were going through
2 the folders is that there is a pattern of these women
3 having his name on their bodies.

4 And if we could just show Government's
5 Exhibit -- let me put -- this is Government's
6 Exhibit 13. If I could put that into evidence, please.

7 THE COURT: Any objection, Mr. Sharp?

8 MR. SHARP: Your Honor, I don't have an
9 objection. I would just ask the Court to understand
10 that the ages of these individuals has not been
11 established. I would ask the Court not to hold any type
12 of adult conduct against Mr. Watson in that regard.

13 THE COURT: Mr. Sharp, I think with respect to
14 Government's Exhibit 13, this is one of the four
15 identified victims who is a minor.

16 MR. SHARP: Correct, yeah. And I don't have an
17 objection about this one. This one is a minor. I
18 thought she was going to show a photo.

19 MS. KOLMAN: I am. And I will indicate that.

20 THE COURT: Let's address Government's
21 Exhibit 13 first.

22 MR. SHARP: Okay.

23 THE COURT: 13 will be admitted with no
24 objection.

25 MR. SHARP: No objection, Your Honor.

1 (Government's Exhibit 13 was received into
2 evidence.)

3 MS. KOLMAN: Okay. Let me show you what's been
4 marked as Government's Exhibit 4, which went under the
5 Red Bull.

6 (Government's Exhibit 4 was marked for
7 identification.)

8 MS. KOLMAN: And I think we can take that off
9 at this point.

02:26PM 10 But, as you can see, the point of that there is
11 that that is, in fact, historically what we are seeing
12 in these folders where it is girls where the direction
13 is to put "Property of Master P." As you saw, "I am a
14 fat slut." That is a picture that --

15 THE COURT: Ms. Kolman, I have a few questions
16 about --

17 MS. KOLMAN: Sure.

18 THE COURT: -- the image. Is that an image of
19 one of the four minors that have been identified?

02:26PM 20 MS. KOLMAN: It is not, no.

21 THE COURT: Do we know whether that woman was a
22 minor or an adult?

23 MS. KOLMAN: That, we do not.

24 THE COURT: Okay.

25 MS. KOLMAN: We do not.

1 THE COURT: And do we know how that woman came
2 to have the writing on her body that was present?

3 MS. KOLMAN: We do not.

4 Now, and if my agent had been brought -- had
5 been put on the stand, what he would have told you is:
6 On that victim, he could not say because he did not see
7 the face. And the body is something where it was
8 questionable. That would not have been counted.

9 THE COURT: Okay.

02:27PM 10 MS. KOLMAN: Okay? And if I could show 6-A.

11 (Government's Exhibit 6-A was marked for
12 identification.)

13 MS. KOLMAN: Okay. If we could take that off.

14 THE COURT: I'm sorry; I was taking notes.

15 MS. KOLMAN: I'm sorry. 6-A, we can take that
16 down.

17 Okay. Now, let me show you just Government's
18 Exhibit 6 that goes along with that.

19 (Government's Exhibit 6 was marked for
02:27PM 20 identification.)

21 MS. KOLMAN: Okay. And you can take that down.

22 Again, those two photographs were in where you
23 saw Ginger Bitch. That's two of the photos that were in
24 there.

25 What the agent would have told you would have

1 been just the face and her -- you can't see her breasts,
2 but -- so that in and of itself would not have been
3 counted.

4 The other picture, because they would associate
5 that picture with her face, the agent would have told
6 you that, yes, they would have counted that because of
7 the body shape, the face.

8 THE COURT: Okay.

9 MS. KOLMAN: Just as a tutorial.

02:28PM 10 THE COURT: Ms. Kolman, for clarification --

11 MS. KOLMAN: Yes.

12 THE COURT: -- Government's Exhibit 6-A would
13 have been counted, but Government's Exhibit 6 would not
14 have been counted?

15 MS. KOLMAN: That is correct. That is correct.

16 And, again, you saw the verbiage on there. The
17 government cannot tell you how she came to have that
18 direction. But we are simply showing these to you to
19 demonstrate a pattern. She is not one of the victims
02:29PM 20 who came forward. Okay?

21 And, finally, if I can show 9.

22 (Government's Exhibit 9 was marked for
23 identification.)

24 MS. KOLMAN: Okay. And if we can take that
25 down.

1 That, again, is another one for the
2 indication -- we were prepared again to show that.
3 There you can see that fits into the sadomasochism with
4 the candle wax, and, again, the names. We do not have a
5 face with that.

6 I think on that one, you would not -- would you
7 have counted that as a child?

8 That one would not have been counted as child
9 pornography. But, again, that goes to show you the
02:29PM 10 pattern that went with the threats that you have seen.

11 Now, I think these things are very important
12 when you are talking about the situation of whether or
13 not you want to depart based on other cases because here
14 you have -- in this case, there is clearly way more than
15 four victims. We have four known victims. And isn't
16 that enough? Enough that these children -- every single
17 one of them indicated that they were thinking of killing
18 themselves because of this and they came forward.

19 I think it's important to take into
02:30PM 20 consideration the defendant was college educated, and at
21 the time, we're talking about a three-year time span,
22 because, yes, in fact, he was working at that cellphone
23 store for a short period of time. He did the same
24 thing. He got a misdemeanor, and he went back out and
25 did it again.

1 And you're not talking about a few kids.
2 You're talking about a girl from Virginia. You're
3 talking about a girl from North Carolina. You're
4 talking about a girl from Sweden. I believe Minnesota
5 was our other one. These are all over. These are just
6 our known girls. You have got dozens of unidentified
7 victims that are literally all over the world.

8 The other fact that exacerbates this situation
9 is the threats that he made. You saw one of those
02:31PM 10 threats. They're very specific. And it is also in the
11 PSR. He did, in fact, distribute because when law
12 enforcement took over AN's persona on the social media,
13 to prove that he had those pics and that he was willing
14 to do it, he sent those to her, which is really one of
15 the counts which drove up his numbers. All right?

16 Most importantly, Your Honor, is his choice of
17 victims. This is a now 30-year-old man. He could have
18 chosen any age bracket that he wanted, but he chose what
19 I call tweeners, those young -- they're not quite, you
02:32PM 20 know, the older teens, but they're not -- they're right
21 there. They're those girls that are so fragile.

22 We all have been there as a female girl. We
23 want to believe that we're so mature. We're hit with
24 social media, with TV, all these things with sexuality
25 and having a boyfriend and being accepted and having

1 breasts and being cool and being able to do this, and
2 now we're being inundated with this social media that
3 you have to be on or else you're nobody. And you want
4 to be cool and you want to be confident, but you don't
5 have the mental capacity yet. Your brain literally is
6 not developed enough. And that's why we have these laws
7 for predators like this defendant. That's his choice to
8 go after all those girls who want to be older, think
9 they can handle it. But that's just the thing, they
02:33PM 10 can't.

11 And you saw where they were talking about
12 killing themselves. This isn't just an idle threat for
13 these girls. I don't know if the Court's aware, but
14 there is a very famous case, Amanda Todd from British
15 Columbia. It's a very powerful thing. But this all
16 started -- the same kind of thing. Guy asked her to
17 show her breasts. She lifted it up, and the horrible
18 things that happened after that. She ended up doing a
19 nine-minute video just telling everything that happened.
02:33PM 20 The next day, she hung herself. These girls will do
21 that.

22 You know, the victim from Sweden
23 couldn't -- didn't want -- she came forward, but she was
24 just beyond herself. She didn't want her parents to
25 know. He was threatening to send all these things out

1 to her school, and all she had wanted from him was to be
2 able to have help with her homework. And now she was
3 threatened that her whole life -- and to her, that is
4 her whole life is her school. These aren't things that
5 we can minimize just because they're 15-year-olds. They
6 will take their lives because of this.

7 Because of these threats, he doesn't just go
8 away when they said, "I don't want to do it anymore."
9 He demanded more.

02:34PM 10 And that was his job that was going on, by the
11 way. He wasn't working. He was literally laying on his
12 bed, and he could roll over and there was the computer.
13 And he was day and night with the amount of these
14 people. That was his choice. He kept it up. He could
15 have let them go when they didn't want to do it anymore,
16 but that made him mad and he threatened them.

17 Your Honor, I heard Mr. Sharp talking about his
18 remorse. I'm not really sure that's true. Let me show
19 you what's been marked as Government's 11, which is
02:35PM 20 texting messages that go back and forth from the jail.
21 They have -- the agents can pick these up. The
22 defendants have no expectation of privacy. And I tender
23 this in as Government's Exhibit 11.

24 (Government's Exhibit 11 was marked for
25 identification.)

1 THE COURT: Mr. Sharp, any objections to
2 Government's Exhibit 11?

3 MR. SHARP: No objection, Your Honor. But I do
4 want an opportunity to respond to a lot of this.

5 THE COURT: Absolutely, Mr. Sharp. We'll give
6 you that opportunity.

7 MR. SHARP: Thank you, Your Honor.

8 MS. KOLMAN: Okay. I think here it's --

9 THE COURT: Ms. Kolman, if you'd just give me a
02:35PM 10 second to actually read the text message.

11 MS. KOLMAN: Sure. Yes.

12 THE COURT: Thank you.

13 MS. KOLMAN: Okay. A little bit further down
14 in 11, I pulled out this section (indicating).

15 THE COURT: Is 11 a compendium of text
16 messaging? I'm only seeing a piece of it here.

17 MS. KOLMAN: Your Honor, it's a long text, and
18 a lot of it is talking about things he's talked about
19 with his attorneys, which is why I pulled out --

02:36PM 20 THE COURT: Okay.

21 MS. KOLMAN: -- just specific parts.

22 So if you could go to the next --

23 All right. And so what we're seeing here, Your
24 Honor, is that -- I think this kind of speaks to it, and
25 I -- I don't think that he even -- he had so many

1 victims that he didn't even know which ones came and
2 made these cases against him. And I don't know if there
3 is anything else, but that certainly speaks volumes to
4 the amount of people that were affected by this
5 defendant.

6 And if we could go to Government's Exhibit 12,
7 which is another --

8 THE COURT: Ms. Kolman, just briefly --

9 MS. KOLMAN: Yes.

02:37PM 10 THE COURT: -- to make sure the record is
11 clear, Mr. Sharp, you have no objection to 11 in its
12 current form? Do we need to redact it? What's its
13 current state?

14 MR. SHARP: That's a good question, Your Honor.
15 I probably need to read the entire thing. I think we're
16 missing some context in this particular email. I
17 understand Ms. Kolman's concern about things that he had
18 spoken with me about. There is actually quite a bit
19 that he had spoken to me about.

02:37PM 20 THE COURT: Mr. Sharp, have you been given a
21 copy of Government's Exhibit 11?

22 MR. SHARP: I do have it, Your Honor, yes.

23 MS. KOLMAN: I can --

24 THE COURT: The parties can appreciate that the
25 record needs to be clear in a case like this.

1 MS. KOLMAN: Why don't I -- I'm not going to
2 move to tender it at this point. And we can discuss
3 that. Whatever he wants to do.

4 THE COURT: Thank you. That's fine.

5 MS. KOLMAN: And I'll just go on with 12,
6 which, again, I did parse out. And I'll not try to
7 tender it at this point, and I'll let Mr. Sharp and I
8 discuss that.

9 (Government's Exhibit 12 was marked for
02:38PM 10 identification.)

11 MS. KOLMAN: But this, Your Honor, goes to the
12 restitution with regards to the victim of the BluePillow
13 series. And this is -- the BluePillow series is one of
14 the series -- in other words, that NCMEC has identified
15 this little girl, and she -- every time a defendant has
16 one of hers, it gets sent to NCMEC. They identify it
17 and they send it back to us and they say, okay, as in
18 this case, there are 49 of those, and then we get
19 information from their attorneys; if they want to go
02:39PM 20 forward, how much money they want, what have you.

21 In this case, the government contacted their
22 attorney and said, "I think what's best is probably the
23 minimum," and they were fine with that.

24 But, again, here is his attitude towards this
25 child, which, by the way, she was molested and had CP

1 produced on her from the time she was five through 12
2 years of age. So --

3 THE COURT: Ms. Kolman, so the record is clear,
4 you're not moving Government's Exhibit 12?

5 MS. KOLMAN: Not at this point. I will -- yes.

6 So I think those are very poignant to indicate
7 the defendant's -- you know, just his whole feelings
8 about what he's done to these girls.

9 I would like to speak shortly about his -- I'm
02:40PM 10 sorry the defendant was abused, if that is, in fact, the
11 case. I'm sorry that he has mental illness; that -- his
12 bipolar, his obsessive-compulsive; that his father
13 passed away and that he was homeless for a while. Those
14 things are all probably true.

15 Here is the part that's missing, and it's a big
16 part, is that there is absolutely no connection between
17 any of those things or all of them together to show why
18 he did this to all these girls, and why he did it even
19 after he had been convicted in 2016, and went full
02:40PM 20 board. I mean, he didn't dabble in it; he went into the
21 deep end.

22 And so I think that speaks loudly to the 3553
23 factors about making our community safe and the
24 deterrent factor, the specific deterrent factor. I
25 think the -- as I got into this case and as I started

1 looking at it, I understand the concern that it's not a
2 contact sex crime. But when you start looking at it and
3 you delve into it and you talk to these girls and you
4 see the angst that they're going through and just the
5 number of girls that are going to be affected for the
6 rest of their lives, that is not something that we can
7 just take lightly. And so the government's thought
8 would be that 30 years would be appropriate.

9 Nothing further.

02:42PM 10 THE COURT: Mr. Sharp, I'd allow you rebuttal.

11 MR. SHARP: Thank you, Your Honor.

12 And there was a lot there, certainly. I just
13 want to clarify some things. And by no means am what I
14 going to argue at this point is to try to distract from
15 Mr. Watson's remorse for his conduct. I just want to
16 put some of this in context of what we're dealing with.

17 And I think the first thing I would point out
18 are the computer screens that were shown that had the
19 list of names and the images next to the list of names.

02:42PM 20 I think one actually speaks to Mr. Watson's mental
21 illness, particularly when it comes to OCD. I mean, he
22 was very much obsessive-compulsive, and he did file
23 these things and he did put them in names.

24 And speaking to Mr. Watson very early on in
25 this case, many of these individuals, the vast majority

1 of the individuals are adults that he was in contact
2 with. These aren't -- there is not proof that there
3 are, you know, dozens and dozens of female victims all
4 across the world. We just don't have that.

5 The reality is that he was meeting these
6 individuals in specific chat groups, and some of them
7 were S&M chat groups that there is -- there is
8 everything out there for everyone and people congregate
9 in these specific places and they know where to find
02:43PM 10 each other.

11 So a lot of those photos, one, were adults,
12 and, two, were consensual adults that were doing these
13 things; you know, that were doing the things with the
14 hot wax and they were writing on themselves.

15 I'm not trying to minimize what happened to
16 these victims. That's completely different. But I also
17 don't want Mr. Watson to be punished for things that
18 consenting adults were doing that are connected -- you
19 know, the internet makes the world a much smaller place
02:44PM 20 when it comes to internet connectivity.

21 So I think this idea that he's out hunting for
22 tweeners is a little misplaced. Certainly he came
23 across teenagers and started these back-and-forth
24 conversations and committed these offenses for which
25 he's come in and pled guilty and acknowledged, and did

1 so very, very early. But a vast majority of the things
2 that were on these hard drives was completely legal
3 between consenting adults; right? Now, not the stuff
4 with the minors, and that's not what I'm talking about.

5 THE COURT: Mr. Sharp, have you reviewed these
6 hard drives in full such that you can make that type of
7 assertion to the Court, "a vast majority"?

8 MR. SHARP: Your Honor, based on the photos
9 that they show, those three pages of that hard drive, I
02:44PM 10 have worked with this investigative unit long enough to
11 know that if there were dozens and dozens of female
12 victims that they would have brought them forth. That's
13 what they do.

14 THE COURT: Okay.

15 MR. SHARP: So when you look at the number of
16 images that he's actually held accountable for that are,
17 in fact, classified as child pornography, there are tons
18 more images on these devices that are not counted that
19 are adults, and clearly are adults. And I don't think
02:45PM 20 that that's a misrepresentation. There is clearly adult
21 pornography on these devices. And I would say that the
22 majority of it is adult pornography.

23 Mr. Watson does have obsessive-compulsive
24 disorder. He did file these things. A lot of those
25 names that you see on those screens are the user names

1 of the individuals that are posting these pictures. So
2 when he saved them, he saved them under the name that
3 the individual used on their screen. He wasn't renaming
4 every person that he took a photo of.

5 So that's what I talk about when I'm talking
6 about context of what we're pulling out on some of these
7 devices, Your Honor.

8 And in regard to the email communications or
9 the text communications from the Blount County jail that
02:46PM 10 he sent to family members, the first one, Your Honor,
11 this was the November 30th, 2020, I would note the time
12 of which it was sent was 4:58 a.m. And, again, you have
13 to -- you'd have to --

14 THE COURT: And, Mr. Sharp, again, I think we
15 need to be a little more precise with the record here.
16 Is that Government's Exhibit 11 or Government's
17 Exhibit 12?

18 MR. SHARP: That is Government's Exhibit 11,
19 Your Honor.

02:46PM 20 THE COURT: Okay. Government's Exhibit 11.

21 MR. SHARP: Yeah.

22 THE COURT: Okay.

23 MR. SHARP: And that was the one -- I would ask
24 that the entirety of that email be presented, Your
25 Honor. I understand the government's concern, but I

1 don't believe that there is anything in there --

2 THE COURT: Mr. Sharp, before we move any
3 further on this, this has been a little bit less than
4 precise. At this point, it may be helpful for the
5 Court, and perhaps even the parties, to take a brief
6 recess for the parties to take a look at Government's
7 Exhibit 3, 13, 6-A, 6, 11, and 12 and make proper
8 determinations as to whether there are objections to any
9 or all of those exhibits. Then the Court will have a
02:47PM 10 full record upon which to make these types of
11 determinations and counsel can make focused arguments
12 based on what is in and out of the record.

13 MR. SHARP: Yes, Your Honor.

14 THE COURT: Okay. The Court is going to take
15 a -- well, would ten minutes be permissible, Mr. Sharp?

16 MR. SHARP: I think that would be sufficient,
17 Your Honor.

18 THE COURT: Okay. Ms. Kolman, same question:
19 Would ten minutes be sufficient to review --

02:47PM 20 MS. KOLMAN: Yes.

21 THE COURT: -- those exhibits that have already
22 been shown to the Court --

23 MS. KOLMAN: Yes.

24 THE COURT: -- and not admitted?

25 MS. KOLMAN: Sure.

1 THE COURT: Okay. The Court is going to take a
2 ten-minute recess until 3 o'clock.

3 MR. SHARP: Thank you.

4 THE COURTROOM DEPUTY: All rise. This
5 honorable court stands in recess until 3 o'clock.

6 (A brief recess was taken.)

7 THE COURTROOM DEPUTY: Please remain seated and
8 come to order.

9 THE COURT: The parties have provided to the
10 government a list of the -- or -- I'm sorry.

03:12PM

11 The parties have provided to the Court a list
12 of the government's exhibits that have been shown in
13 some form during today's sentencing hearing.

14 Mr. Sharp, do you have a copy of this list?

15 MR. SHARP: We just reviewed it, Your Honor,
16 but I don't -- it was -- let me just make sure, Your
17 Honor. I know it's 3, 13, 6-A, 11, and 12. Those were
18 the five government exhibits that I --

19 THE COURT: That is not consistent with the
20 list that the Court has been given.

03:13PM

21 Okay. Give us just a second. The Court will
22 make a copy of the list that it's been given and then
23 we're all working off of the same song sheet.

24 Mr. Sharp, I'll give you a second to look over
25 that form.

1 MR. SHARP: Yes, Your Honor, that looks
2 complete to me.

3 THE COURT: Here is what we're going to do:
4 We're going to look at each of these exhibits. I'm
5 going to indicate to the parties whether the Court has
6 made a ruling on that exhibit, and if we need to hear
7 further objections as regards to each of those exhibits,
8 we will do so.

9 May I ask the government to pull up the
03:15PM 10 document that the they have marked as Exhibit 3.

11 Ms. Kolman, I understand that Exhibit 3 has a
12 number of pages. Is the page that we're seeing the sole
13 page that is attributable to Exhibit 3 as opposed to 3-A
14 or 3-B?

15 MS. KOLMAN: That is correct. This is 3.

16 THE COURT: Mr. Sharp, you have in front of you
17 Exhibit 3. The Court had previously admitted Exhibit 3.
18 Does Mr. Watson have any objections to the admission of
19 Exhibit 3?

03:15PM 20 MR. SHARP: No objection, Your Honor.

21 THE COURT: Okay. Ms. Kolman, may I ask you to
22 bring up Exhibit -- the exhibit that's been marked as
23 Exhibit 3-A by the government.

24 MS. KOLMAN: This is 3-A, Your Honor, that's on
25 the screen now.

1 THE COURT: Ms. Kolman, by the government's --
2 or by the Court's count, 3-A has not been moved.
3 Ms. Kolman, would you move 3-A?

4 MS. KOLMAN: Yes, I would tender -- move to
5 tender 3-A into evidence at this time.

6 THE COURT: Mr. Sharp, does Mr. Watson have any
7 objections to the admission of Government's Exhibit 3-A?

8 MR. SHARP: No objection, Your Honor.

9 THE COURT: Okay. Ms. Kolman, will you bring
03:16PM 10 up Government's Exhibit 3-B. The Court has not made any
11 determination as to 3-B. Would the government tender
12 3-B?

13 (Government's Exhibit 3-B was marked for
14 identification.)

15 MS. KOLMAN: Yes, Your Honor, the government
16 would move to tender 3-B into evidence at this time.

17 THE COURT: Mr. Sharp, do you have any
18 objection to the admission of 3-B?

19 MR. SHARP: No objection, Your Honor.

03:16PM 20 THE COURT: Okay. Dealing with all three of
21 these exhibits at once, to make sure that the record is
22 clear, Government's Exhibit 3 is admitted with no
23 objection; Government's Exhibit 3-A is admitted with no
24 objection; Government's Exhibit 3-B is admitted with no
25 objection.

1 (Government's Exhibits 3, 3-A, and 3-B were
2 received into evidence.)

3 THE COURT: Ms. Kolman, will you please pull up
4 Government's Exhibit 4.

5 MS. KOLMAN: That's Government's Exhibit 4,
6 Your Honor.

7 THE COURT: Ms. Kolman, the Court has made no
8 determination as to Government's Exhibit 4. Would the
9 government move for the admission of Government's
03:17PM 10 Exhibit 4?

11 MS. KOLMAN: Yes, Your Honor, government
12 tenders Government's Exhibit 4 into evidence at this
13 time.

14 THE COURT: Mr. Sharp, does Mr. Watson have any
15 objection to the admission of Government's Exhibit 4?

16 MR. SHARP: No objection, Your Honor. I do ask
17 for the opportunity to respond to rebut some of these.

18 THE COURT: Okay. Mr. Sharp, right now we're
19 just dealing with the admissibility of the specific
03:17PM 20 exhibits so the record is clear. Sentencing

21 recommendations, 3553(a) analysis will be completed
22 after we've gotten through this precise process.

23 MR. SHARP: Thank you, Your Honor. No
24 objection.

25 THE COURT: Government's Exhibit 4 will be

1 admitted with no objection.

2 (Government's Exhibit 4 was received into
3 evidence.)

4 THE COURT: Ms. Kolman, will you please bring
5 up Government's Exhibit 6.

6 MS. KOLMAN: Your Honor, this is Government's
7 Exhibit 6 on the screen.

8 THE COURT: The Court has made no determination
9 as to the admissibility of Government's Exhibit 6.

03:18PM 10 Ms. Kolman, would the government -- or -- I'm
11 sorry. The Court has made no determination as to the
12 admissibility of Government's Exhibit 6. Would the
13 government like to tender Government's Exhibit 6?

14 MS. KOLMAN: Yes, Your Honor, the government at
15 this time tenders Government's Exhibit 6 into evidence,
16 please.

17 THE COURT: Mr. Sharp, does Mr. Watson have any
18 objection to Government's Exhibit 6?

19 MR. SHARP: No objection, Your Honor.

03:18PM 20 THE COURT: Government's Exhibit 6 will be
21 admitted.

22 (Government's Exhibit 6 was received into
23 evidence.)

24 THE COURT: Ms. Kolman, will you please pull up
25 Government's Exhibit 6-A.

1 MS. KOLMAN: This is Exhibit 6-A, Your Honor.

2 THE COURT: Okay. Again, the Court has not
3 made a determination as to the admissibility of
4 Government's Exhibit 6-A. Would the government like to
5 move Exhibit 6-A?

6 MS. KOLMAN: Yes, the government requests that
7 6-A be tendered into evidence at this time.

8 THE COURT: Mr. Sharp, does Mr. Watson have any
9 objections to Government's Exhibit 6-A?

03:19PM 10 MR. SHARP: No objection, Your Honor.

11 THE COURT: 6-A will be admitted.

12 (Government's Exhibit 6-A was received into
13 evidence.)

14 THE COURT: Ms. Kolman, will you please pull up
15 Government's Exhibit 9.

16 MS. KOLMAN: This is 9, Your Honor.

17 THE COURT: The Court has not made any
18 determination as to the admissibility of Government's
19 Exhibit 9. Would the government tender Government's
03:19PM 20 Exhibit 9 at this time?

21 MS. KOLMAN: Yes, Your Honor, government
22 tenders Government's Exhibit 9 into evidence, please.

23 THE COURT: Mr. Sharp, does Mr. Watson have any
24 objection to the admissibility of Government's
25 Exhibit 9?

1 MR. SHARP: No objection, Your Honor.

2 THE COURT: Okay. Government's Exhibit 9 will
3 be admitted with no objection.

4 (Government's Exhibit 9 was received into
5 evidence.)

6 THE COURT: Government's Exhibit 11.
7 Ms. Kolman, can we pull that up?

8 MS. KOLMAN: Yes. Your Honor, we are going to
9 pull up the full text at this time, to which we both
03:19PM 10 agree.

11 THE COURT: Okay.

12 MS. KOLMAN: And that is what is on the screen.

13 THE COURT: In terms of the situation with this
14 particular exhibit, the Court had admitted the exhibit,
15 but then we had a late objection. So right now we're
16 going to wipe that slate clean.

17 Ms. Kolman, would the government move
18 Government's Exhibit 11 in its current form to be
19 admitted in this hearing?

03:20PM 20 MS. KOLMAN: Yes, Your Honor. The government
21 would move to tender Government's Exhibit 11 into
22 evidence at this time.

23 THE COURT: Okay. Mr. Sharp, any objection to
24 the admission of Government's Exhibit 11?

25 MR. SHARP: No objection, Your Honor.

1 THE COURT: Okay. Mr. Sharp, the Court notes
2 that Government's Exhibit 11 appears to relay some
3 communications that you may have had with Mr. Watson.
4 Mr. Watson has an attorney/client privilege to keep
5 those records safe and off of the Court's docket as a
6 matter of course, but Mr. Watson can waive that
7 privilege if he would like to do so and finds it to be
8 advantageous. Is that something that he would like to
9 do now with respect to Government's Exhibit 11?

03:21PM 10 MR. SHARP: Yes, Your Honor, he would waive
11 attorney/client privilege with respect to Exhibit 11.

12 THE COURT: Thank you. With that, the Court
13 will admit Government's Exhibit 11.

14 (Government's Exhibit 11 was received into
15 evidence.)

16 THE COURT: Next document that I have is
17 Government's Exhibit 12. Can we pull up Government's
18 Exhibit 12.

19 MS. KOLMAN: Your Honor, at this time, the
03:21PM 20 government is pulling up the entirety of Government's
21 Exhibit 12 for the Court.

22 THE COURT: Okay. The Court's not made a
23 determination as to Government's Exhibit 12. Would the
24 government like to move for the admission of
25 Government's Exhibit 12?

1 MS. KOLMAN: Yes, Your Honor, at this time, we
2 would ask that Government's Exhibit 12 in its entirety
3 be tendered into evidence.

4 THE COURT: Okay. Mr. Sharp, does Mr. Watson
5 have any objection to the admission of Government's
6 Exhibit 12?

7 MR. SHARP: No objection, Your Honor.

8 THE COURT: Just as with Government's
9 Exhibit 11, Government's Exhibit 12 appears to relay
03:21PM 10 some information that might have come from Mr. Sharp to
11 Mr. Watson. Again, Mr. Watson has attorney/client
12 privilege rights. He may waive those rights if he would
13 like to do so. Is that something that he would like to
14 do here?

15 MR. SHARP: Yes, Your Honor, he would waive
16 attorney/client privilege as it relates to Exhibit 12.

17 THE COURT: Okay. The Court will admit
18 Government's Exhibit 12 noting the waiver of privilege.

19 (Government's Exhibit 12 was received into
03:22PM 20 evidence.)

21 THE COURT: And last, from my count, we have
22 Government's Exhibit 13.

23 Ms. Kolman, will you please pull up
24 Government's Exhibit 13.

25 MS. KOLMAN: Yes, Your Honor.

1 THE COURT: Does the -- the Court had
2 previously admitted Government's Exhibit 13, but, for
3 the avoidance of any doubt, is going to give Mr. Sharp
4 an opportunity to object at this time.

5 MR. SHARP: No objection, Your Honor.

6 THE COURT: Okay. With that, Government's
7 Exhibit 13 will be fully admitted with no objection from
8 Mr. Watson.

9 Okay. By the Court's count, those are all of
03:22PM 10 the government's exhibits that we have viewed in some
11 form today at this hearing.

12 Ms. Kolman, does that match your recollection
13 and record?

14 MS. KOLMAN: It does, Your Honor. Thank you.

15 THE COURT: Mr. Sharp, does that match your
16 recollection and record?

17 MR. SHARP: Yes, Your Honor. Thank you.

18 THE COURT: Okay. That brings us back to the
19 parties making their arguments with respect to an
03:23PM 20 appropriate sentence, any variances, and the 3553(a)
21 factors.

22 Before I allow Mr. Sharp a brief additional
23 period of time to address any remaining issues that need
24 to be addressed before sentencing, Ms. Kolman, at the
25 end of your last statements, you suggested that a

1 sentence of 30 years would be appropriate. That is
2 inconsistent with the previous sentencing memo that the
3 United States had filed but something that the United
4 States is actually permitted to do.

5 To make sure that the Court understands the
6 United States' recommendation in this case, is the
7 United States recommending a downward variance to a term
8 of 30 years' imprisonment?

9 MS. KOLMAN: Yes, Your Honor, we believe that
03:23PM 10 that would be sufficient, but not greater than
11 necessary.

12 THE COURT: Thank you, Ms. Kolman.

13 With that, Mr. Sharp, I'll permit you a brief
14 opportunity to present additional argument.

15 MR. SHARP: Yes, Your Honor.

16 And one thing that I do want to clarify, in
17 speaking with Detective Williams during the recess, I
18 don't want to be misconstrued in any way on my
19 representations to the Court.

03:24PM 20 The amount of material that was found on these
21 computers, much of it was unable to be determined and
22 whether it was adult or not adult pornography. So I
23 didn't mean to give the impression, but there wasn't a
24 situation where Mr. Watson would have been charged under
25 those circumstances. And my biggest concern is that we

1 hold any type of speculation against Mr. Watson. I know
2 that the Court doesn't want to do that. I know the
3 government doesn't want to do that, and that was really
4 my argument when we're talking about all these
5 additional images that were found on those computers.
6 So --

7 THE COURT: Mr. Sharp, thank you for that
8 clarification. The Court appreciates it. And I'll tell
9 you, the Court is not going to consider the statement
10 that you made with respect to sentencing.

03:25PM

11 MR. SHARP: All right. Thank you, Your Honor.
12 The other exhibit that I do want to take up,
13 though, Your Honor, was the Exhibit 11; specifically,
14 the text message from Mr. Watson to his family member
15 dated November 30th of 2020.

16 And just to put some context on that, this was
17 during the period of time that I had received the PSR
18 report. I was surprised with the findings in the report
19 because they did not come close to my own calculations.

03:25PM

20 Due to COVID restrictions, I could not see Mr. Watson.
21 As a course of practice, I do not send PSRs of this
22 nature to the jail for client safety concerns.

23 I was able to secure a phone call with
24 Mr. Watson shortly before this date in late November.
25 Although I had the PSR for several weeks, we had a lot

1 of communication issues during this period of time with
2 clients. I had gone over that, and I expressed to him
3 that I was wrong on his guideline calculation. And I
4 also would think it's important to recognize that the
5 time of day of that email was 5 a.m. in the morning. I
6 think 4:58.

7 THE COURT: Mr. Sharp, just a brief clarifying
8 question on that. You were wrong because you had not
9 taken into account the expanded relevant conduct and you
10 later learned about that expanded relevant conduct.

11 MR. SHARP: Exactly, Your Honor. When we
12 signed the plea agreement, we did not have the relevant
13 conduct information. So he was under the impression,
14 and rightfully so, because that's what I had told him,
15 that the guideline range was 188 to 210 when we signed
16 the plea agreement. And then by the time -- and this
17 case was delayed multiple times due to the pandemic.

18 You know, there is argument to be made that had
19 it not been delayed, those analytics would not have come
20 back. He would have been sentenced before that
21 happened. But that's neither here nor there under
22 the --

23 THE COURT: Mr. Sharp, just, again, to make
24 sure the record is clear on this, the plea agreement
25 also contains an admonition that these may not be all of

1 the facts relevant to the case and there may be
2 additional facts that are relevant to sentencing; isn't
3 that right?

4 MR. SHARP: That's correct, Your Honor. And
5 certainly Mr. Watson doesn't say that anything that I
6 told him was binding, because it's not. And that's
7 handled in the change of plea as well; that it's not a
8 binding -- anything that his attorney tells him is not
9 binding on the Court as far as guideline sentences go.

03:27PM 10 But as far as context of this particular text,
11 he had just found out that he was looking at 15 to 20
12 and now he's looking at life. So he was upset. Very
13 understandably, he was upset with me. And I do not
14 begrudge him that at any point during that conversation
15 that we had because I was delivering some very bad news
16 to him.

17 His frustration, though, was with myself. It
18 was with the government. And I don't want anything that
19 is in there to be taken out of context. And I know he
03:27PM 20 puts a line in there that any guilt that he felt he no
21 longer feels. That was a frustrated 5:00 a.m. text to
22 his sister after he found out that his guidelines had
23 essentially doubled.

24 So I would just ask the Court to take it in
25 that time frame and in the context of which it actually

1 occurred. And I don't want it to be construed as
2 something that he does not have remorse for these
3 victims. I've met with him several times since that
4 date. He has expressed remorse to me on multiple
5 occasions.

6 And in addition to Exhibit 11, Your Honor,
7 Exhibit 12, a lot along the same lines. You know, we
8 did agree to a \$3,000 restitution figure. Mr. Watson is
9 not the first client I've had that didn't realize that
10 downloading images, you have to pay the victims of the
11 images that are known. I think a lot of people don't
12 understand the reach and the damage that it does to
13 these individuals.

14 THE COURT: Mr. Sharp, I may be able to limit
15 some of your argument here. I'll tell you: The Court
16 is not moved by Government's Exhibit 11 or 12.

17 MR. SHARP: Okay. Your Honor, if that is the
18 case, then I have nothing further to add. I just wanted
19 to make sure that that wasn't going to be a detriment to
20 Mr. Watson.

21 THE COURT: Thank you.

22 MR. SHARP: Thank you, Your Honor.

23 THE COURT: Ms. Kolman, given the length of
24 time that we've spent here today, I would give you a
25 brief two minutes if you'd like to add anything further.

1 MS. KOLMAN: No, thank you, Your Honor.

2 THE COURT: Okay. Mr. Watson, you have the
3 right to make a statement or to present any information
4 to mitigate the sentence in this case. Do you wish to
5 make a statement or to present any information?

6 THE DEFENDANT: I would like to, Your Honor, if
7 I may.

8 THE COURT: Mr. Watson, please proceed.

9 MR. SHARP: Do you want him at the podium, Your
03:29PM 10 Honor, or at counsel table?

11 THE COURT: Mr. Watson, please remain at
12 counsel table.

13 THE DEFENDANT: Yes, ma'am.

14 Your Honor, before I begin, I do want to
15 apologize briefly if I seem disjointed in what I'm
16 saying. It's very difficult to prepare what I was going
17 to say because this date has changed not only so many
18 times, but, also, as my attorney has said, I'm an
19 obsessive-compulsive. I have probably gone over what
03:30PM 20 I'm going to say thousands of times.

21 I've been in Blount County for 22 months now,
22 and there is not much more to do than think. And last
23 night, after I was going over what I was going to say
24 and I was about to try to get some sleep, I did
25 something that I don't typically do. I actually said a

1 prayer. I said, "God, if I'm not supposed to say this,
2 send me some kind of sign. This is the last chance for
3 me to not screw up about what I'm supposed to say." And
4 then something very strange happened. Not even two
5 minutes later, some people came up and an altercation
6 happened in front of me, in front of all of us. One of
7 the young men in there, he's Hispanic and he can't speak
8 English, and no one understands what he's saying. And
9 the altercation started over them not comprehending each
03:31PM 10 other, basically. He was confused. He didn't get why
11 people had a problem, basically.

12 I feel that we, as a country, almost, are in
13 that kind of situation with people with mental illness
14 because we're not -- we're not asking questions of how
15 and why and we're so focused on what happens that we
16 don't -- we don't fully get the breadth of where it
17 comes from. And if we don't understand the root of the
18 problem, we're just going to be putting Band-Aids on it.
19 We're going to be stopping the symptoms, not the
03:31PM 20 illness.

21 But what was so strange, Your Honor, is: At
22 the end of the altercation, the young man who speaks
23 Spanish -- I speak a little bit of Spanish. I
24 understood most of what he was saying. He
25 actually -- he said to the other man, "I'm sorry for

1 what you're going through." The man who started the
2 fight with him, he said, "I'm sorry for what you're
3 going through. We don't deserve to go through this
4 together. I forgive you."

5 At that moment, I realized I will never get the
6 opportunity to apologize to these people. I know
7 exactly who these girls are, Your Honor. My memory does
8 not allow me to forget many things like that. I will
9 never get to look them in the eye and say, "I am sorry
03:32PM 10 for what I did to you. I am sorry for us being in this
11 situation together. I'm sorry for whatever the
12 circumstances were that even brought you to this
13 situation as well. I can't make it better. I can only
14 tell you that I will do everything I can to make it up
15 to other people."

16 Your Honor, when we don't understand the root
17 of problems when we have the ability to understand them,
18 we fear them. We fear criminals because we don't know
19 why they do what they're doing. We fear sex offenders
03:33PM 20 because we don't know what causes them to behave
21 different than what we consider normal. But once we
22 start understanding and come to grips with mental
23 illness, we will be able to help more people and we'll
24 be able to cut down on these problems.

25 We're seeing it with COVID, with the pandemic;

1 suicide rates are up, violence is up because people are
2 having more issues that they can't treat. And I'm
3 hoping that you listening to me will let you understand
4 me a little bit better in a good mental state and
5 understand that I am not someone to be feared, Your
6 Honor.

7 I understand that what I did wasn't just wrong,
8 it was horrific. It was something I could argue was
9 even worse than what was done to me as a child. But I
03:33PM 10 hope that you understand that -- that I can't help
11 people from prison as well. I'm asking you, if
12 anything, for the women that are behind me right now,
13 for them suffering more than I am suffering because they
14 had nothing to do with any of this. I did this. I
15 deserve to be punished. These three women behind me and
16 the rest of my family don't deserve to be punished for
17 this, but they are.

18 I'm asking you to give me whatever sentence you
19 deem appropriate; not even necessarily what you deem is
03:34PM 20 right, but what you feel is best for everyone involved.

21 Thank you, Your Honor.

22 THE COURT: Thank you.

23 Mr. Sharp, do you have anything you would like
24 to add on behalf of Mr. Watson?

25 MR. SHARP: No, Your Honor, nothing further.

1 Thank you.

2 THE COURT: Okay. Ms. Kolman, would the
3 government like to make a final statement?

4 MS. KOLMAN: No, Your Honor. Thank you.

5 THE COURT: Okay. The Court appreciates the
6 statements of counsel and the defendant. The Court has
7 carefully reviewed the Presentence Report and considered
8 the arguments presented by the government and by
9 Mr. Watson.

03:34PM 10 In a manner intended to comply with the Sixth
11 Circuit's jurisprudence since *Booker* rendered the
12 sentencing guidelines advisory and *Gall*'s requirements
13 that the Court make an individual assessment based on
14 the facts presented and adequately explain the chosen
15 sentence, the Court will explain its reasons for the
16 sentence to be imposed in this case.

17 In addition to the guidelines range, the Court
18 has considered the factors set forth in 18 United States
19 Code § 3553(a) in fashioning an appropriate sentence for
03:35PM 20 Mr. Watson.

21 First, the Court considers the nature and
22 circumstances of the offense. Mr. Watson's crimes are
23 serious, directly negatively, and forever impacting the
24 lives of at least four minor victims. He solicited nude
25 pictures from four minor victims by pretending to be in

1 relationships with them. Once he received the images of
2 child pornography, he blackmailed the victims for
3 additional images and videos threatening to post their
4 pictures online or send them to the victim's school if
5 she did not comply.

6 His specific demands were extraordinarily
7 demeaning, including instructions for a victim to mark
8 her body with his name and for how she should pose
9 explicitly in pictures that she would send to him.

03:36PM 10 Further, Mr. Watson victimized many additional
11 children through the collection of child pornography
12 stored on his computer and hard drive. In total, 11,447
13 images of child pornography were located on Mr. Watson's
14 computer. These depictions included particularly vile
15 images, including bestiality, prepubescent minors under
16 the age of 12 displaying their genitals in a lewd and
17 lascivious manner, and the sexual abuse or exploitation
18 of an infant or a toddler.

19 But the Court also considers the history and
03:37PM 20 circumstances of the defendant. Mr. Watson is 30 years
21 old. Mr. Watson has suffered from depression and
22 anxiety, as well as other mental illness. Mr. Watson
23 has regularly used methamphetamine and has experience
24 with other drugs.

25 Mr. Watson's criminal record indicates that he

1 has sexually preyed on a young girl before. Mr. Watson
2 was convicted in May 2016 of harassment when he, while
3 working as a salesperson at a wireless carrier, helped a
4 15-year-old girl purchase a cellphone. Mr. Watson then
5 texted the victim requesting that she send nude photos
6 of herself to him, including a picture of her vagina.
7 Mr. Watson acknowledged that he knew the victim was only
8 15 years old at the time he solicited those photos.

9 At the time of his conviction for that offense,
03:38PM 10 Mr. Watson had already begun collecting the images of
11 child pornography that are part of the expanded relevant
12 conduct here.

13 The month prior to his conviction in that case
14 in April of 2016, Mr. Watson initiated contact with the
15 first victim in this case. He would then threaten them
16 into sending nude photographs.

17 The law requires a sentencing judge to impose a
18 sentence which is sufficient, but not greater than
19 necessary, to achieve the sentencing objectives set
03:38PM 20 forth in § 3553(a)(2). That includes the need to
21 reflect the seriousness of the offense, to promote
22 respect for the law, and to provide a just punishment.

23 The instant offenses are extremely serious.
24 Possession and distribution of child pornography is
25 exploitative and deprives victims of their agency and

1 childhood.

2 Here, Mr. Watson preyed on his victim's trust
3 and naiveté forcing them to send him images of child
4 pornography upon threats of posting on the internet
5 existing sexually-explicit photos they had sent to him.
6 Two of his victims were so distraught by Mr. Watson's
7 conduct that they seriously contemplated suicide.

8 Mr. Watson understood the seriousness of his
9 offenses, but chose to commit these crimes anyway. In a
03:39PM 10 conversation with one of his victims, he acknowledged
11 the criminality of his behavior stating, and I quote,
12 "Only one person risks jail time right now, and it's not
13 you."

14 The Court also considers the need for adequate
15 deterrence. General deterrence is necessary for sexual
16 predators who exploit their child victims through the
17 internet and social media applications which obscure the
18 predator's identity and allow the predator to prey on
19 victims worldwide.

03:39PM 20 As to specific deterrence, Mr. Watson's 2016
21 conviction for harassment of a minor with
22 sexually-explicit requests did not deter him from
23 engaging in further criminal conduct in victimizing
24 additional minors.

25 Mr. Watson began threatening his first victim

1 the month prior to the finality of his harassment
2 conviction and Mr. Watson continued his criminal conduct
3 for three additional years.

4 An extensive term of imprisonment is needed to
5 deter Mr. Watson from engaging in further criminal
6 conduct and victimizing more children, and an extensive
7 period of supervised release is also required for the
8 same reason.

9 The Court also considers the need for
03:40PM 10 protection of the public from further crimes of the
11 defendant. Mr. Watson is a danger to our community.
12 Through the use of the internet and social media
13 applications within the Eastern District of Tennessee,
14 Mr. Watson victimized children from other states and
15 even another country.

16 Henley, one of Mr. Watson's victims, bravely
17 described the lasting effects of the abuse she incurred
18 at the hands of him and other predators after
19 pornographic images of her as a child were circulated
03:41PM 20 online. She writes that feelings of guilt and shame
21 linger and the effects of the ongoing abuse are
22 irregular and unpredictable due to PTSD, anxiety, and
23 triggers. She described anxiety attacks so acute that
24 she can't breathe, see, or move, and she may start to
25 scream or pass out, not remembering what happened when

1 she woke up. She says that she is scared to leave the
2 house, has an extreme fear of being alone, especially at
3 night. Due to the ongoing abuse inflicted on the victim
4 by those circulating the images of her as a child, she
5 has to keep her identity secret to protect herself and
6 ensure her safety from pedophiles who have seen her
7 image.

8 She must contend with so-called fan mail and
9 the fear of unexpected encounters in public by
03:42PM 10 predators, making it crippling to go anywhere,
11 especially to go anywhere alone. Mr. Watson deprived
12 Henley and his other victims of an overall sense of
13 dignity and self worth.

14 The Court also considers the need to provide
15 educational and vocational training and medical care or
16 other correctional treatment. Mr. Watson has struggled
17 with mental health issues, including thoughts of suicide
18 and substance abuse, and he has experienced serious
19 mental illness.

03:42PM 20 Mr. Watson further reports that he was subject
21 to sexual abuse as a child. The Court considers these
22 factors and the Court will recommend that Mr. Watson
23 have the opportunity to receive substance abuse and
24 mental health treatment while incarcerated and
25 thereafter.

1 The Court also considers the kinds of sentences
2 available and the kinds of sentences and sentencing
3 range established. Here, the mandatory minimum for
4 Count One is 15 years with a maximum term of 30 years,
5 and Count Three carries a minimum term of imprisonment
6 of five years with a maximum 20 years.

7 The Court also considered any pertinent
8 Sentencing Commission policy statements and the need to
9 avoid unwarranted sentencing disparities with
03:43PM 10 similarly-situated defendants.

11 Mr. Watson argues in his sentencing memorandum
12 that multiple other defendants convicted of almost
13 identical conduct have received much lower sentences
14 than his guidelines range.

15 While it is true the conduct for which
16 Mr. Watson was convicted, that is, his offense conduct,
17 was initially estimated to yield a lower guidelines
18 range, the guidelines also require consideration of
19 expanded relevant conduct.

03:43PM 20 The expanded relevant conduct here includes the
21 possession of 11,447 images of child pornography
22 processed from Mr. Watson's computer and hard drive
23 which increased his base offense level by 11 levels.
24 The defendant is not subject to unwarranted sentencing
25 disparities as compared to similarly-situated defendants

1 due to this expanded relevant conduct.

2 Finally, the Court considers the need to
3 provide restitution for victims of the offense. Here,
4 restitution is due and owing to one victim, Henley, in
5 the amount of \$3,000.

6 As discussed, however, Henley was far from
7 Mr. Watson's only victim. The Presentence Report notes
8 four additional victims that Mr. Watson directly
9 threatened, extorted, and victimized, and he further
03:44PM 10 victimized still other victims through possessing and
11 distributing images of child pornography.

12 Before I impose the sentence on the record, are
13 there any objections?

14 Ms. Kolman, from the United States?

15 MS. KOLMAN: No objections.

16 THE COURT: Mr. Sharp, on behalf of Mr. Watson?

17 MR. SHARP: No objection, Your Honor.

18 THE COURT: The Court has considered the nature
19 and circumstances of the offense, the history and
03:45PM 20 characteristics of Mr. Watson, and the advisory
21 guidelines range, as well as the other factors listed in
22 18 United States Code § 3553(a).

23 Pursuant to the Sentencing Reform Act of 1984,
24 it is the judgment of the Court as to Count One and
25 Three of the Indictment that the defendant, Preston

1 Andrew Watson, is hereby committed to the Bureau of
2 Prisons for a term of imprisonment of 360 months.

3 This sentence consists of 360 months as to
4 Count One and 240 months as to Count Three to run
5 concurrently pursuant to Guideline Section 5G1.2.

6 This sentence is sufficient, but not greater
7 than necessary, to comply with the purposes of 18 United
8 States Code § 3553.

9 It is ordered that you forfeit your interest in
10 the property as outlined in the agreed preliminary order
11 of forfeiture filed with the court.

12 It is ordered that you shall make restitution
13 to the following victims in the following amounts:
14 \$3,000 to Henley of the BluePillow1 series. The
15 restitution shall be paid in full immediately. The
16 government may enforce the full amount of restitution
17 ordered at any time pursuant to 18 United States Code §§
18 3612, 3613, and 3664(m).

19 The United States Bureau of Prisons, the United
20 States Probation Office, and the United States
21 Attorney's Office shall monitor the payment of
22 restitution and reassess and report to the Court any
23 material change in your ability to pay. You shall make
24 restitution payments from any wages you may earn in
25 prison in accordance with the Bureau of Prisons Inmate

1 Financial Responsibility Program. Any portion of the
2 restitution that is not paid in full at the time of your
3 release from imprisonment shall become a condition of
4 your supervision.

5 The Court finds that you do not have the
6 ability to pay interest on the restitution ordered;
7 therefore, interest is waived.

8 The Court recommends that you receive 500 hours
9 of substance abuse treatment from the Bureau of Prisons'
10 Institution Residential Drug Abuse Treatment Program.

11 The Court recommends that you receive a mental
12 health evaluation and treatment while in the Bureau of
13 Prisons.

14 Upon release from imprisonment, you shall be
15 placed on supervised release for a term of 20 years as
16 to each of Count One and Three to be served
17 concurrently.

18 While on supervised release, you must not
19 commit another federal, state, or local crime. You must
20 not unlawfully possess and must refrain from use of a
21 controlled substance. You must comply with the standard
22 conditions that have been adopted by this court in Local
23 Rule 83.10. In particular, you must not own, possess,
24 or have access to a firearm, ammunition, destructive
25 device, or a dangerous weapon.

1 You must cooperate in the collection of DNA as
2 directed by your probation officer. In addition, you
3 shall comply with the following special conditions: You
4 shall comply with the special conditions for sex
5 offenders as adopted by this court in Standing Order
6 15-06. Specifically, you shall comply with the
7 following conditions: Standing Order 15-06(1), Standing
8 Order 15-06(2), Standing Order 15-06(3), Standing Order
9 15-06(4), Standing Order 15-06(5), Standing Order
10 15-06(6), Standing Order 15-06(8), Standing Order
11 15-06(9), Standing Order 15-06(10), Standing Order
12 15-06(11), Standing Order 15-06(12), and Standing Order
13 15-06(13).

14 You shall register with the state Sex Offender
15 Registry in any state in which you reside, are employed,
16 or are a student in compliance with the state Sex
17 Offender Registry. You shall pay any financial penalty
18 that is imposed by this judgment and that remains unpaid
19 at the commencement of the term of supervised release.

20 You shall provide your probation officer with
21 access to any requested financial information.

22 You shall not incur new credit charges on
23 existing accounts or apply for additional lines of
24 credit without permission of the probation officer until
25 the restitution in this case has been paid in full.

1 In addition, you shall not enter into any
2 contractual agreements which obligate funds without the
3 permission of your probation officer.

4 You shall participate in a program of testing
5 and/or treatment for drugs and/or alcohol abuse as
6 directed by your probation officer until such time as
7 you're released from the program by your probation
8 officer.

9 You shall participate in a program of mental
03:50PM 10 health treatment as directed by your probation officer
11 until such time as you are released from the program by
12 your probation officer.

13 You shall waive all rights to confidentiality
14 regarding mental health treatment in order to allow
15 release of information to the supervising probation
16 officer and to authorize open communication between the
17 probation officer and the mental health treatment
18 provider.

19 You shall take all medication prescribed by the
03:50PM 20 treatment program as directed. If deemed appropriate by
21 the treatment provider or your probation officer, you
22 shall submit to quarterly blood tests to determine
23 whether you are taking your medication as prescribed.

24 You shall submit your person, property, house,
25 residence, office, vehicle, papers, computers, other

1 electronic communications or data storage devices, or
2 media, to a search conducted by a United States
3 probation officer or his or her designee. Failure to
4 submit to a search may be grounds for revocation of
5 release. You shall warn any other occupants that the
6 premises may be subject to searches pursuant to this
7 condition.

8 An officer may conduct a search pursuant to
9 this condition only when reasonable suspicion exists
03:51PM 10 that you have violated a condition of supervision and
11 the areas to be searched contain evidence of this
12 violation. Any search must be conducted at a reasonable
13 time and in a reasonable manner.

14 18 United States Code §§ 3565(b) and 3583(g)
15 require mandatory revocation of probation or supervised
16 release for possession of a controlled substance,
17 ammunition, or a firearm, or for refusal to comply with
18 drug testing.

19 Pursuant to 18 United States Code § 3013, you
03:52PM 20 must pay a special assessment fee in the amount of \$200
21 which shall be due immediately.

22 The Court finds that you do not have the
23 ability to pay a fine; therefore, the Court will waive
24 the fine in this case.

25 It is further ordered that you be remanded to

1 the custody of the Attorney General pending designation
2 by the Bureau of Prisons.

3 Pursuant to *United States versus Bostic*,
4 Ms. Kolman, does the government have any objection to
5 the sentence just pronounced that has not previously
6 been raised?

7 MS. KOLMAN: No, Your Honor. Thank you.

8 THE COURT: Thank you.

9 Mr. Sharp, does the defendant have any
03:52PM 10 objections to the sentence just pronounced that has not
11 previously been raised?

12 MR. SHARP: No objection, Your Honor.

13 THE COURT: Mr. Watson, you have the right to
14 appeal your conviction and the right to appeal your
15 sentence. Your plea agreement waives some of those
16 rights, but because you may wish to file an appeal to
17 challenge the waiver of your appeal rights, or to appeal
18 an issue not waived by your plea agreement, I will
19 advise you as to how you would pursue an appeal.

03:53PM 20 Any Notice of Appeal must be filed within
21 14 days of the entry of judgment or within 14 days of
22 the filing of a Notice of Appeal by the United States.
23 If requested, the Clerk of Court will prepare and file a
24 Notice of Appeal on your behalf.

25 If you cannot afford to pay the cost of an

1 appeal or appellate counsel, you have the right to
2 appeal -- apply for leave to appeal in forma pauperis,
3 which means you can apply to have the court waive the
4 filing fee in your case. On appeal, you may also apply
5 for court-appointed counsel.

6 Mr. Watson, I hope that you will take full
7 advantage of the substance abuse and mental health
8 services provided by the Bureau of Prisons. These
9 services can help speed your recovery and change
03:53PM 10 dangerous behaviors.

11 Are there other matters to resolve in this case
12 at this time?

13 Ms. Kolman?

14 MS. KOLMAN: No, Your Honor, I don't believe
15 so.

16 THE COURT: Mr. Sharp?

17 MR. SHARP: Your Honor, would the Court
18 consider a recommendation to the BOP in Butner, North
19 Carolina or Lexington, Kentucky?

03:54PM 20 THE COURT: Mr. Sharp, just to make sure I've
21 got that right, we're looking at a proposed
22 recommendation to Butner, North Carolina or FMC
23 Lexington?

24 MR. SHARP: Correct, Your Honor.

25 THE COURT: Ms. Kolman, I will presume the

1 United States would have no objection to that
2 recommendation.

3 MS. KOLMAN: No objection.

4 THE COURT: Okay. The Court will make that
5 recommendation.

6 MR. SHARP: Thank you, Your Honor.

7 Nothing further. Thank you.

8 THE COURT: With that, court is adjourned.

9 THE COURTROOM DEPUTY: All rise. This
03:54PM 10 honorable court stands adjourned.

11 (Which were all the proceedings had and
12 herein transcribed.)

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C-E-R-T-I-F-I-C-A-T-E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Teresa S. Grandchamp, RMR, CRR, do hereby certify that I reported in machine shorthand the above proceedings; that the foregoing pages were transcribed under my personal supervision and constitute a true and accurate record of the proceedings.

I further certify that I am not an attorney or counsel of any of the parties, nor an employee or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Transcript completed and signed on Monday,
August 9, 2021.



TERESA S. GRANDCHAMP, RMR, CRR
Official Court Reporter